

RESPONSIVENESS SUMMARY

Introduction:

This is a summary of the comments received in response to proposed changes to chapter 567-64 of the Iowa Administrative Code which increase the fees for storm water general permit authorizations. The Notice of Intended Action (ARC 6521B) was published on January 2, 2008.

The amendments as proposed in the Notice would:

1. Increase the fees for general permit authorizations issued under storm water General Permit nos. 1, 2 and 3 by 16.7%. Specifically, the increases are from \$150.00 to \$175.00 for a one-year authorization, from \$300.00 to \$350.00 for a three-year authorization, \$450.00 to \$525.00 for a four-year authorization and \$600.00 to \$700.00 for a five-year authorization.
2. These amendments eliminate the requirement that the coverage provided by the multi-year permit fees expires no later than the General Permit.

One public hearing was held in Des Moines on January 24, 2008. Written comments were received through January 24, 2008.

Two entities provided written comments on the proposed changes whose names are listed at the end of this summary. The responsiveness summary attempts to address all of the comments received. The comments received are addressed below in terms of the issues involved. The Department did not list every comment received, but rather merged common comments into major issue areas. Only one general comment relevant to the current rulemaking was submitted.

The relevant comments were sorted into common topics and the Department's response is written below each topic section or individual question in the miscellaneous section.

Comment:

The Department does not have the authority to charge more in fees than is necessary to defray the costs of the storm water program.

Department's response:

- The Department is using some of the fees collected from storm water applications to fund other programs. However, as this is being done with legislative approval, the Department has the authority to divert funds to these programs. The remaining portion of the fees collected is not now sufficient to defray the costs of administering the storm water program.

Comments not relevant to the current rulemaking:

- Work with stakeholders to develop and implement program improvements that would benefit Iowans.
- Add the costs for the three proposed IDNR staff for storm water enforcement to the new fee structure, discussed herein, and explain the fiscal impact clearly and transparently to stakeholders.
- The budget data shows over \$1.5 million dollars went into the flood plain permitting and helping backlog over 9 years. However, nine years later, the backlog remains in the flood plain program. Several of our members question why Iowa's storm water permit fees continue to fund this catch-up program.

- Looking beyond the budget data, the DNR has an opportunity to improve technology, instead of raising fees.
- Finally, our preliminary budget analysis indicates that with fiscal discipline and efficiency measures, such as the online permitting system, storm water fees could be lowered, not raised.

These comments refer to issues not directly related to the current rulemaking. Those interested in initiating rulemaking may file a petition with the Department as described in chapter 561-5 of the Iowa Administrative Code.

Recommendation:

It is recommended that the rules proposed in the original notice of intended action be adopted without changes.

The following is a list of the individuals and organizations that commented on the proposed rule changes during the public comment period.

MidAmerican Energy – Jeff Myrom
Association of Business and Industry – Nicole Molt